

November 15, 2013

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Areas, WT Docket No. 12-40; RM-11510

Dear Ms. Dortch:

CTIA – The Wireless Association® (“CTIA”), the NTCA—The Rural Broadband Association (“NTCA”) and the Rural Wireless Association (“RWA”) hereby submit to the Commission their alternative proposal to revise the licensing model for the Cellular Radiotelephone Service (“Cellular”) from a site-based model to a geographic-based approach. As CTIA, NTCA, and RWA indicated in their Joint Reply Comments in the above-captioned proceeding, the Commission’s proposed “overlay auction” framework is impractical, counterproductive, and would infringe upon licensee rights. Instead, the undersigned licensees and associations respectfully ask the Commission to issue an Order and Further Notice of Proposed Rulemaking (“FNPRM”) directing the expeditious conversion of current site-based coverage areas to geographic market areas and seeking comment on other relevant rule changes. The undersigned parties’ proposal is explained further below.

Instead of conducting an overlay auction, the Commission should issue an Order directing the expeditious conversion of current site-based coverage areas to geographic market areas based on each licensee’s currently-authorized CGSA. The optimal approach would convert a CGSA to a geographic license, and if the licensee wished to extend its licensed area into an unserved area, the expansion must serve at least 50 square miles. Any unserved area less than 50 square miles bordered by only one incumbent would become part of the incumbent’s geographic license. Any unserved area less than 50 square miles bordered by more than one incumbent could only be allocated to geographic licenses with written agreement by all bordering incumbents in the same CMA. Absent agreement, those areas can only be served on a secondary basis. Unserved areas would continue to be claimed under the existing phase II procedures. Dual licensing by commonly controlled licensees will remain permissible. Additionally, a Cellular licensee must file a reduction in service area if, post-conversion, that licensee’s actual coverage area drops below 50 percent of its coverage area at the time of conversion for more than 12 months.

The conversion should be immediate, as it only requires the FCC to decide that CGSAs are now the license boundary. This will immediately reduce the administrative burden on FCC staff and licensees without prejudicing any party or the public. Unserved areas of less than 50 square miles can be added as the written agreements discussed above are completed and filed with the FCC or frequency coordinator. In the limited number of cases where two unaffiliated licensees hold licenses for overlapping geographic areas, those overlaps will continue until the parties notify the FCC or frequency coordinator that they have been resolved.

The FCC should not substitute one administratively burdensome process with another. The original CTIA petition sought to eliminate burdens on licensees and the FCC and create regulatory parity among CMRS services. If the FCC designates frequency coordinators, it should give the coordinator the authority to modify licenses. This way a licensee seeking to serve areas greater than 50 square miles would need only complete an application with the frequency coordinator (pay the fee) as opposed to a process that would require a filing with the frequency coordinator followed by a second filing with the FCC. Changes would become effective 30 days after the frequency coordinator notifies the FCC of the change. The FCC should not charge associated fees because it will not have the expense of reviewing the applications.

Simultaneously with the proposed Order, the Commission should issue a FNPRM providing notice and an opportunity for comment on additional reforms to Cellular licensing. For example, the Commission could request comment on its stated intention to use a frequency coordinator.

The undersigned licensees and associations support reform of Cellular licensing, and believe that the Joint Proposal outlined by CTIA, NTCA, and RWA in this proceeding will simplify Cellular licensing while preserving licensee rights. We respectfully request that the Commission promptly issue an Order adopting this proposal, as well as a FNPRM seeking comment on additional issues as discussed herein.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed in ECFS. Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

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